

**REMARKS**

The Official Action mailed June 23, 2006, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on March 29, 2004; April 13, 2004; and May 4, 2005.

Claims 1-3, 5-24 and 31-52 are pending in the present application, of which claims 1-3, 5 and 6 are independent. Dependent claims 11, 17, 23, 35 and 41 have been withdrawn from consideration by the Examiner (Box 4a, Office Action Summary, Paper No. 20060621). Accordingly, claims 1-3, 5-10, 12-16, 18-22, 24, 31-34, 36-40 and 42-52 are currently elected, of which claims 1-3, 5 and 6 are independent. Independent claims 1-3, 5 and 6 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 1-3, 5-10, 12-16, 18-22, 24, 31-34, 36-40 and 42-52 under 35 U.S.C. § 112, first paragraph, asserting that "an anode having a leveling surface ... lacks full support from the original disclose for the elected species" (page 2, Id.). Specifically, the Official Action appears to be concerned that "only a portion of the anode surface is leveled" (Id.).

In response, claims 1-3, 5 and 6 have been amended to recite "an anode having a first portion and a second portion ... wherein the first portion has a leveling surface," which is supported in the present specification, for example, at page 22, lines 7-27, and by Figure 6. After forming a bank, an exposed anode surface is wiped using a PVA (polyvinyl alcohol)-based porous medium, leveling is performed and debris is removed (page 8, line 26, to page 9, line 5). The exposed anode surface corresponds to the first portion, and a leveling surface of the first portion becomes clean and even. A portion of the anode is covered with a bank and is not wiped. The portion of the anode covered

with the bank corresponds to the second portion. As such, the specification supports an anode having a first portion and a second portion, where the first portion has a leveling surface.

The Applicant respectfully submits that amended claims 1-3, 5 and 6 are adequately described and supported in the specification. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

The Official Action rejects claims 1-3, 5-10, 12-16, 18-22, 24, 31-34, 36-40 and 42-52 as obvious based on the combination of Figure 2 of the present specification, which the Official Action refers to as "Applicant's admitted prior art (AAPA)" and JP 11-224781 to Nagayama, which the Official Action refers to as "JP '781." The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 1-3, 5 and 6 have been amended to recite an anode having a first portion and a second portion over the interlayer insulating film, wherein the first portion has a leveling surface; a bank over the wiring and the second portion of the anode; and an insulating film over the leveling surface of the first portion and an upper surface of the bank. For the reasons provided below, AAPA and JP '781, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The Official Action concedes that the AAPA does not teach "that the device can further include a first insulating film between the anode and the organic compound layer" (page 3, Paper No. 20060621). The Applicant agrees. JP '781 does not cure the deficiencies in the AAPA. The Official Action asserts that it would have been obvious to add the insulating film 109 of JP '781 to the AAPA and that the resulting combination would render obvious the present claims (pages 3-4, Id.). The Applicant respectfully disagrees and traverses the assertions in the Official Action.

Even if one were sufficiently motivated to combine the AAPA with JP '781, the AAPA and JP '781 do not teach or suggest that the insulating film 109 of JP '781 should be placed between a bank and an organic layer and such that the film 109 is only formed on one part of an anode. Specifically, the AAPA and JP '781 do not teach or suggest that insulating film 109 of JP '781 should be formed between bank 208 and organic layer 206 of the AAPA. The AAPA discloses an anode and a bank formed over a second portion of an anode. However, JP '781 is not concerned with a bank, and the insulating film 109 appears to be formed on an entire surface of anode 102 (see Figure 1 of JP '781). Further, JP '781 does not distinguish between first and second portions of an anode. As such, even if one were sufficiently motivated to combine the AAPA with JP '781, at best, JP '781 would merely teach forming insulating film 109 over the entire


surface of an anode. The AAPA and JP '781, either alone or in combination, do not teach or suggest a relationship between an insulating film and a bank. Specifically, the AAPA and JP '781 do not teach or suggest an insulating film over an upper surface of a bank.

In the "Response to Arguments" section, the Official Action still has not explained why the AAPA and JP '781 necessarily teach that the insulating film 109 of JP '781 should be formed between bank 208 and organic layer 206 of the AAPA. Rather, the Official Action makes further assertions without any citations to the AAPA and JP '781 in support of the assertions. Specifically, the Official Action asserts that "it would be well [within] the ordinary skill in the art to replace the light-emitting compound layer of AAPA with the first-insulating-film/light-emitting-compound-layer lamination of JP '781 so as to desirably reduce leaking current therein" and that "the first insulating layer in the collectively taught device would be naturally positioned over the leveling surface portion of the anode and also naturally over the upper surface of the bank therein, as the light-emitting compound layer would be, since the two would have been laminated together in the above replacement" (page 6, Paper No. 20060621). However, these assertions do not appear to be provided in either the AAPA or JP '781. The Official Action has not shown that the reduction of leakage current has anything to do with placement of an insulating film over a bank. As noted above, the AAPA is silent as to the formation of an insulating film, and JP '781 is silent as to the formation of a bank. The Applicant respectfully submits that the Official Action has not presented a *prima facie* case of obviousness as to how the AAPA and JP '781 teach that the insulating film 109 of JP '781 should necessarily be formed between bank 208 and organic layer 206 of the AAPA.

Since AAPA and JP '781 do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

  
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